

## Article - Local Government

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§12–515.

(a) Taking into account the advantages and disadvantages of opening or altering a road, at least two of the examiners shall determine the cost of damages that may be sustained by a person through whose property an opened or altered road may pass.

(b) The governing body of the county may ratify, reject, or alter the determination of the cost of damages under subsection (a) of this section.

(c) (1) The governing body of the county shall determine whether the damages shall be:

- (i) paid by the petitioner;
- (ii) paid by the county; or
- (iii) apportioned between the petitioner and the county.

(2) Before the road may be opened, any damages owed shall be paid to the respective property owner, or to the respective property owner's guardian, agent, or attorney.

(3) If a property owner dies after the examiners have determined the cost of damages, the damages shall be paid to the property owner's personal representative.

(d) (1) Subject to a determination under subsection (c)(1) of this section, signing a petition for opening, altering, or closing of a road does not make the petitioner liable for the payment of any part of the damages determined by the governing body of the county.

(2) The governing body may hold a petitioner liable for the costs incurred by a person defending against the petition if the case is decided in favor of the person defending against the petition.

(3) If the governing body does not order the opening, altering, or closing of a road as requested in a petition, the petitioner shall be liable for all costs incurred by any person as a result of any proceeding relating to the petition under this subtitle.

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